

## PROCESSING PROCEDURES FOR AMENDMENTS TO A&E CONSULTANT CONTRACTS

Follow the steps in order:

1. The Project Manager (PM) obtains the most current amendment boiler and the most current contract boiler for the project from the Consultant Services Coordinator or the Senior Contract Specialist in Public Works Contracting Group (PWCG). When the PM contacts PWCG for the boiler, the PM identifies the project by contract number (for example, H094548) and by the official title.
2. If PWCG does not have a complete file for the project, the PM must provide PWCG with the following information before PWCG can process an amendment:
  - a. Copy of the contract,
  - b. Copy of the action document (PA2625/1544/1472) for the original contract,
  - c. Copy of the Comptroller's Certificate for the original contract,
  - d. Any previous amendments with corresponding action documents (PA2625s/1544s/1472s), and
  - e. Insurance.
3. The PM drafts the amendment in Microsoft Word format. Since amendments are unique to every project, the PM must alter the amendment boiler (add and/or delete language) in order to customize an amendment to fit their needs.

**Note:** Every section of the original contract does not need to be updated in an amendment, but the following sections will need to be reviewed. If the contract or a previous amendment does not contain the most current versions of these sections, these sections must be updated or added:

- a. Indemnification language (usually Article 6 of the boiler),
- b. Insurance requirements (usually Section 4.3 of the boiler),
- c. ADA language (usually Sections 4.8 and 4.19 of the boiler),
- d. Drug free workplace language (usually Section 4.7 of the boiler), and
- e. Non-discrimination language (usually Section 4.6 of the boiler).

The PM may amend other sections of the contract. However, unless the PM receives permission to use different language from PWCG and/or the department's assigned Deputy City Attorney (DCA), the PM shall use only language from the contract boiler provided.

4. Once the PM drafts the amendment in Microsoft Word format, including all exhibits in final form, the PM forwards the amendment to PWCG for review. The amendment must be complete and include all exhibits in order for PWCG to conduct a meaningful review. Incomplete amendments will be returned.

5. PWCG completes the review and returns the draft amendment to the PM. The PM addresses any of the issues raised by PWCG and requests PWCG's assistance on any items.
6. The PM then forwards the amendment to their department's or division's assigned DCA for review.
7. After the DCA reviews and comments on the draft, the PM addresses any of the issues raised by the DCA and requests the DCA's assistance on any items.
8. After the PM addresses all corrections and issues, the PM forwards the amendment in PDF format to the Consultant for signature. Four original wet signature copies are required. The Consultant is not permitted to alter any language in the body of the amendment since the language contained therein is the City's approved language. If additional negotiation is required on the exhibits (scope, fee schedule, or time schedule) this is acceptable. But, if there are major changes, a second review may be required by PWCG and the DCA.

**Note:** It is critical that the amendment be in its final form when it is sent to PWCG and the DCA for review because, if additional changes are made after the initial reviews, additional reviews may be necessary. This will severely delay the amendment.

9. The PM may begin routing the action document (a 1544, PA2625 or 1472 depending on whether the project is CIP or non-CIP funded **and** on the dollar value of contracts/amendments awarded to the consultant in the current fiscal year) once the PM sends the amendment to the Consultant for signature.
10. The PM obtains a Consultant Award Tracking Form (see AR 25.60) from PWCG. The PM checks with PWCG to determine the amount of City-wide contracts awarded to the Consultant in the current fiscal year, and the PM completes the form.

**Note: For non-CIP funded projects, a 1472 is required to award any amendment if the Consultant has been awarded more than \$250K in contracts or amendments in the current fiscal year or if the total dollar values of the current amendment plus the cumulative fiscal year total exceed \$250K. For CIP funded projects, the threshold is \$1 million.**

11. When the amendment is ready for PWCG's signature (after completion of 1544/PA2625 routing or 1472 approval by Council), the PM sends PWCG the four original wet signature copies of the amendment plus the 1544/PA2625 (or copy of the 1472). If the insurance section of the contract was updated in the amendment then insurance and all endorsements shall be included as well. PWCG will not sign the amendment without insurance and all endorsements.

Note: If Council approval is required to award an amendment, it is the PM's responsibility to ensure that the amendment package (including all required documentation) is returned to PWCG after Council approval and the Mayor's 10 day veto period. Delivery to PWCG is not automatic.

12. PWCG signs the amendment then forwards the amendment package to the DCA for final review and signature.
13. The DCA signs the amendment and returns the amendment to PWCG.
14. PWCG issues the Notice to Proceed (NTP) and distributes copies of the amendment and NTP letter to all parties (PM, City Clerk and Consultant). If applicable, PWCG assigns a Purchase Order (PO) number at this time.